REMARKS/ARGUMENTS

Applicants thank the Examiner for their careful review of this application. Claims 1, 3, 4, 6-8 and 10-20 have been rejected. Claims 1 has been amended to overcome the Examiner's informality objections. It is respectfully submitted that the pending claims define allowable subject matter. Applicants respectfully request reconsideration of the application in view of the above amendments and the following remarks submitted in support thereof.

Discussion of Objection to Claim 1

In Section 5, of the Office Action, the Examiner objected to Claim 1 because of the following informalities: "using data stored in a repository" is considered to read as "using data stored in a system repository" in view of Claim 1, line 16; and the phrase "the abstract persistence physical schema capable of being" is considered redundant.

As requested by the Examiner, Applicants have amended Claim 1 to correct the antecedent form of the phrase "using data stored in a repository." As further requested by the Examiner, Applicants have amended Claim 1 to remove the phrase "the abstract persistence physical schema capable of being."

Applicants have complied with the Examiner's request and believe that the objections are overcome.

Discussion of Rejection of Claims 1, 3-4, 6-8 and 10-20 under 35 U.S.C. § 103(a)

In Section 8 of the Office Action, the Examiner rejected Claims 1, 3-4, 6-8 and 10-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,298,478 to Nally et al. in view of "Enterprise JavaBeans Specification, V1.1" to Sun Microsystems.

The Examiner's rejection is respectfully traversed. First, contrary to the Examiner's assertion, <u>Nally et al.</u> does <u>not</u> disclose a *state of the original entity bean being associated with one or more fields defined by an abstract schema* as recited in Claims 1, 8, and 15. Citing to column 14, lines 21-31 and column 14, lines 51-61 of <u>Nally et al.</u>, the Examiner attempts to support its assertion by stating that <u>Nally et al.</u> disclose "the state of the original entity bean being associated with one or more fields." Specifically, the Examiner asserts that the *state* discussed in <u>Nally et al.</u> can be one of "new," "old," "delete: Yes/No," or "modified: Yes/No" and such information is equivalent to the *state* recited in Claims 1, 8, and 15. Applicants respectfully disagree.

The *state* discussed in <u>Nally et al.</u> is wholly unrelated to the *state of the original entity bean* which, as recited in Claim 1, is *associated with one or more fields defined by an abstract schema.* The only *state* disclosed in <u>Nally et al.</u> relates to version status 530 that includes information indicating whether <u>an Enterprise Java Bean (EJB)</u> was newly created ("state=new") or read from a database or data store ("state-old"). *See* <u>Nally et al.</u> at column 14:21-33; column 14:51-61. Applicants also respectfully note that contrary to the Examiner's statement, <u>Nally et al.</u> does not include "delete" and "modified" amongst the two states discussed above. Rather <u>Nally et al.</u> merely disclose that version status information 530 can also include information regarding whether <u>an EJB version</u> is marked for deletion ("delete=[yes|no]") or whether the instance data for <u>an EJB version</u> has changed ("modified=no") or not changed ("modified=no"). *Id.* In other words, the *state* disclosed in <u>Nally et al.</u> merely refers to whether an EJB is newly created or whether the EJB was previously created and was therefore copied from a database or data store. <u>Nally et al.</u> does not refer to a *state of the original entity bean being associated with one or more fields defined by an abstract schema* as recited in Claims 1, 8, and 15. Applicant's respectfully point out to

the Examiner that the Federal Circuit cautioned, in its overruling of a United States Patent

and Trademark Office holding that certain claims were unpatentable under 103(a), that

statements made in a prior art reference "... **cannot be viewed in the abstract[,] ... [r]ather**

they must be considered in the context of the teaching of the entire reference." *See* In re

Kotzab, 55 USPQ2d 1313, 1317 (Fed.Cir. 2000) (emphasis added). Here, the Examiner has

not properly considered the meaning of the term *state* in the context of the teachings of Nally

et al.

Second, neither Nally et al. nor Enterprise JavaBeans Specification, V1.1" teach or

suggest *transferring the state stored in the original state object to the upgraded state object*

without disrupting the operation of the JAVA module as recited in independent Claims 1, 8,

and 15. The Examiner cites FIG. 4, column 14, lines 2-12, and column 13, lines 29-44 of

Nally et al. to support an assertion that Nally et al. disclose transferring the state stored in the

original state object to the upgraded state object. The Examiner further cites column 14, lines

21-39 of Nally et al. to support an assertion that Nally et al. disclose the original state object

is upgraded in the JAVA module. Applicants respectfully disagree with the Examiner's

assertions. All that the citations provided by the Examiner disclose is a transaction

management approach in a enterprise environment in which multiple concurrent and/or

nested transactions have simultaneous access to an EJB. The teachings of Nally et al. do not

disclose performing real time modification to the managed state of a Java-based application

with run time object modification and generation, as recited in claimed invention. Enterprise

JavaBeans Specification, V1.1 also does not teach these missing elements. Rather all that

Enterprise JavaBeans Specification, V1.1 discloses is a specification of the basic EJB

architecture.

The foregoing demonstrates that the cited primary references of <u>Nally et al.</u> and

<u>Enterprise JavaBeans Specification, V1.1</u> do not teach each and every element of independent

Claims 1, 8, and 15. Consequently, independent Claims 1, 8, and 15 and claims 3-4, 6-7, 10-

14, and 16-20, which respectively depend therefrom, are patentable under 35 U.S.C. § 103(a)

over <u>Nally et al.</u> in view of <u>Enterprise JavaBeans Specification, V1.1</u>. Applicants therefore

respectfully request reconsideration, and withdrawal of the § 103 rejections.

<u>Conclusion</u>

In view of the foregoing, the Applicant respectfully submits that all the pending

Claims 1, 3, 4, 6-8 and 10-20 are in condition for allowance. Accordingly, a Notice of

Allowance is respectfully requested. If the Examiner has any questions concerning the

present amendment, the Examiner is requested to contact the undersigned at (408) 749-6920.

If any additional fees are due in connection with filing this amendment, the Commissioner is

also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP007). A

duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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